

# KISSINGER & FELLMAN, P.C.

ATTORNEYS AT LAW  
PTARMIGAN PLACE, SUITE 900  
3773 CHERRY CREEK NORTH DRIVE  
DENVER, COLORADO 80209  
TELEPHONE: (303) 320-6100  
TOLL FREE: 1-877-342-3677  
FAX: (303) 327-8601  
[www.kandf.com](http://www.kandf.com)

RICHARD P. KISSINGER  
KENNETH S. FELLMAN  
JONATHAN M. ABRAMSON  
BOBBY G. RILEY  
JORDAN C. LUBECK  
BRANDON M. DITTMAN  
PAUL D. GODEC, SPECIAL COUNSEL

June 12, 2017

## VIA FCC ECFS

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

*Re: Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network (PS Docket No. 16-269); Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012 (PS Docket No. 12-94); Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band (PD Docket No. 06-229); and Service Rules for the 698-746, 747-762 and 777-792 MHz Bands (WT Docket No. 06-150)*  
- *Ex Parte Communication*

Dear Ms. Dortch:

This firm represents the Colorado Office of Information Technology and the FirstNet Colorado Governing Body (collectively "FirstNet Colorado") in connection with the matters discussed in this letter. In the above referenced proceeding, FirstNet Colorado has (i) filed Comments and Reply Comments; (ii) participated in meetings and/or conference calls with Commission Staff; and (iii) submitted a *Memorandum Regarding FCC Authority to Require FirstNet to Grant Access to Its Network Policies*. In addition, on June 9, 2017, I met in person with the following members of the Public Safety and Homeland Security Bureau:

Rasoul Safavian, Senior Technical Advisor  
- Public Safety and Homeland Security Bureau  
Roberto Mussenden, Attorney Advisor, Policy and Licensing  
- Public Safety and Homeland Security Bureau

The following Commission Staff members participated in the meeting by telephone:

Erika E. Olsen, Senior Legal Counsel  
- Public Safety and Homeland Security Bureau  
David Furth, Deputy Bureau Chief  
- Public Safety and Homeland Security Bureau

In this meeting we discussed the draft Order in PS Docket No. 16-269 and FirstNet Colorado's position supporting many of the provisions of the draft Order and suggesting edits in that part of the Order dealing with commenting on opt-out plans.

FirstNet Colorado intends to submit a more detailed memorandum addressing these issues and responding to a recent filing in PS Docket No. 16-269, no later than close of business on June 14, 2017.

Pursuant to Rule 1.1206 of the Commission's Rules, an electronic copy of this letter and the attached Memorandum are being filed via the Electronic Comment Filing System (ECFS) in this matter.

Please feel free to contact me with any additional questions or concerns you may have.

Very truly yours,



Kenneth S. Fellman, Esq.  
[kfellman@kandf.com](mailto:kfellman@kandf.com)

KSF/eaj

cc: Rasoul Safavian, Senior Technical Advisor  
- Public Safety and Homeland Security Bureau ([rasoul.safavian@fcc.gov](mailto:rasoul.safavian@fcc.gov))  
Roberto Mussenden, Attorney Advisor, Policy and Licensing  
- Public Safety and Homeland Security Bureau ([Roberto.mussenden@fcc.gov](mailto:Roberto.mussenden@fcc.gov))  
Erika E. Olsen, Senior Legal Counsel  
- Public Safety and Homeland Security Bureau ([erika.olsen@fcc.gov](mailto:erika.olsen@fcc.gov))  
David Furth, Deputy Bureau Chief  
- Public Safety and Homeland Security Bureau ([david.furth@fcc.gov](mailto:david.furth@fcc.gov))  
Honorable Bob Fifer, City of Arvada, Colorado  
- ([bfifer@arvada.org](mailto:bfifer@arvada.org))  
Brian Shepherd, Colorado Governor's Office of Information Technology  
- ([brian.shepherd@state.co.us](mailto:brian.shepherd@state.co.us))  
Kimberleigh Coleman, Colorado Governor's Office of Information Technology  
- ([kim.coleman@state.co.us](mailto:kim.coleman@state.co.us))  
- LeeAnn Morrill, Office of the Colorado Attorney General  
- ([LeeAnn.Morrill@coag.gov](mailto:LeeAnn.Morrill@coag.gov))  
- Erin McLauthlin, Office of the Colorado Attorney General  
- ([Erin.McLauthlin@coag.gov](mailto:Erin.McLauthlin@coag.gov))